

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

CITY OF BANGOR,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 02-183-B-S
)	
CITIZEN COMMUNICATIONS)	
COMPANY,)	
)	
Defendant & Third)	
Party Plaintiff,)	
)	
v.)	
)	
BARRETT PAVING MATERIALS, INC. et al.,)	
)	
Third Party Defendants.)	

ORDER & REPORT OF CONFERENCE

Pursuant to the Court's earlier orders, the Court held a conference of counsel in this case to discuss how to efficiently move this matter forward. The following parties participated in this conference via counsel:

For Plaintiff City of Bangor:	William Devoe W. Scott Laseter
For Defendant Citizens Communications Co.:	Martha Gaythwaite John Hahn
For Third-Party Defendant Barrett Paving:	John McVeigh David B. Van Slyke
For Third Party Defendant Beazer East, Inc.:	Sarah Tracy
For Third Party Defendant Centerpoint Energy:	David Sherman Charles Wehland
For Third Party Defendants Guilford Transportation & Maine Central Railroad:	Frederick F. Costlow
For Third Party Defendant Honeywell Int'l Inc.:	Gregory Bibler

For Third Party Defendant UGI Utilities, Inc.: E. Tupper Kinder

For Fourth Party Defendants Spiers *et al.*: Kevin Cuddy

For Fourth Party Defendant Colas S.A.: Michael Kaplan

Having heard from counsel for all sides, the Court has decided to lift the previously ordered stay of this matter for the limited purpose of deciding on the merits the previously filed Motion for Judgment by Third-Party Defendants Barrett Paving Materials, Inc., and Honeywell, Inc. and Fourth-Party Defendant Colas, S.A. (Docket # 682). In light of the Court's decision to lift the stay for purposes of this Motion, the Court considers any argument that the Motion was procedurally improper because of an existing stay to be now MOOT.

In the interest of fairness and efficiency, the Court sets the following schedule for completing briefing on the pending Motion for Judgment:

Any party wishing to join the Motion shall do so on or before March 5, 2007.

Citizens shall file a response to the merits of the Motion on or before March 19, 2007.

Any party that has filed or joined in the filing of the Motion for Judgment may file a reply on or before March 29, 2007.

As the Court indicated at the conference, it will take the Motion under advisement upon receipt of the reply briefs and attempt to issue a decision within 60 days. After a final decision is filed, the Court will proceed to enter a scheduling order that sets out a schedule for completion of discovery and motion practice on any remaining issues with respect to third and fourth party liability. Until that scheduling order is issued, this matter shall remain STAYED with respect to discovery on any remaining issues.

To the extent any or all parties wish to pursue further settlement efforts in this interim period, they are certainly encouraged to do so. Any settlements that are finalized shall be reported to the Court and all other parties promptly.

SO ORDERED.

/s/ George Z. Singal
U.S. Chief District Judge

Dated the 28th day of February 2007.